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Additional counsel listed on signature page

**IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

SHARON COBB, BEVERLY  
GIBSON, TRISH ISABELLA,  
DIANA TAIT, NANCY  
WENTWORTH, individually and on  
behalf of all others similarly situated,

Plaintiffs,

vs.

BSH HOME APPLIANCES  
CORPORATION, a Delaware  
Corporation,

Defendant.

Case No. SACV10-711 DOC (ANx)

**PLAINTIFFS' NOTICE OF  
MOTION AND MOTION FOR  
CLASS CERTIFICATION**

Hearing Date: September 5, 2012  
Time: 8:30 a.m.  
Place: Courtroom 9D

*Assigned to:*  
District Judge: David O. Carter  
Discovery Magistrate Judge: Arthur  
Nakazato

TO DEFENDANT AND ITS COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on September 5, 2012 at 8:30 a.m., or as soon  
thereafter as the matter can be heard in Courtroom 9D of the United States District  
Court, Central District of California, Southern Division, located at 411 W. Fourth

1 Street, #1053, Santa Ana, CA 92701, Plaintiffs Beverly Gibson, Trish Isabella,  
 2 Diana Tait, and Nancy Wentworth will, and hereby do, move this Court for an order  
 3 certifying this action to proceed as a class action under Federal Rule of Civil  
 4 Procedure 23 as follows:

5 **California Class:** All persons who purchased a Washer (defined as Bosch and  
 6 Siemens brand 27" Front-Loading Automatic Washers) in California for primarily  
 7 personal, family or household purposes, and not for resale, in California, excluding  
 8 (1) BSH Home Appliances Corporation ("Bosch"), any entity in which Bosch has a  
 9 controlling interest, and its legal representatives, officers directors, employees,  
 10 assigns, and successors; (2) Washers purchased through Bosch's Employee Purchase  
 11 Program; (3) the Judge to whom this case is assigned, any member of the Judge's  
 12 staff, and any member of the Judge's immediate family; (4) persons or entities who  
 13 distribute or resell the Washers; (5) government entities; and (6) claims for personal  
 14 injury, wrongful death, and/or emotional distress.

15 **Illinois Class:** All persons who purchased a Washer (defined as Bosch and  
 16 Siemens brand 27" Front-Loading Automatic Washers) in Illinois for primarily  
 17 personal, family or household purposes, and not for resale, in Illinois, excluding (1)  
 18 BSH Home Appliances Corporation ("Bosch"), any entity in which Bosch has a  
 19 controlling interest, and its legal representatives, officers directors, employees,  
 20 assigns, and successors; (2) Washers purchased through Bosch's Employee Purchase  
 21 Program; (3) the Judge to whom this case is assigned, any member of the Judge's  
 22 staff, and any member of the Judge's immediate family; (4) persons or entities who  
 23 distribute or resell the Washers; (5) government entities; and (6) claims for personal  
 24 injury, wrongful death, and/or emotional distress.

25 **Maryland Class:** All persons who purchased a Washer (defined as Bosch and  
 26 Siemens brand 27" Front-Loading Automatic Washers) in Maryland for primarily  
 27 personal, family or household purposes, and not for resale, in Maryland, excluding  
 28 (1) BSH Home Appliances Corporation ("Bosch"), any entity in which Bosch has a

controlling interest, and its legal representatives, officers directors, employees, assigns, and successors; (2) Washers purchased through Bosch's Employee Purchase Program; (3) the Judge to whom this case is assigned, any member of the Judge's staff, and any member of the Judge's immediate family; (4) persons or entities who distribute or resell the Washers; (5) government entities; and (6) claims for personal injury, wrongful death, and/or emotional distress.

**New York Class:** All persons who purchased a Washer (defined as Bosch and Siemens brand 27" Front-Loading Automatic Washers) in New York for primarily personal, family or household purposes, and not for resale, in New York, excluding (1) BSH Home Appliances Corporation ("Bosch"), any entity in which Bosch has a controlling interest, and its legal representatives, officers directors, employees, assigns, and successors; (2) Washers purchased through Bosch's Employee Purchase Program; (3) the Judge to whom this case is assigned, any member of the Judge's staff, and any member of the Judge's immediate family; (4) persons or entities who distribute or resell the Washers; (5) government entities; and (6) claims for personal injury, wrongful death, and/or emotional distress.

Plaintiffs further motion this Court to certify Plaintiffs as the class representatives for their respective States of residence, and their Interim Lead Counsel, Stuart M. Eppsteiner and Andrew J. Kubik of Eppsteiner & Fiorica Attorneys, LLP as lead Class Counsel, as well as Richard Burke of Complex Litigation Group LLC, Daniel Levin of Levin Fishbein, Sedran & Berman, and Jordan Lurie of Weiss & Lurie as additional Class Counsel.

The basis of Plaintiffs' motion for certification of four statewide classes are more fully set forth in the supporting Memorandum of Points and Authorities, Plaintiffs state as follows:

1. Each Class is so numerous that joinder of all members State Class members is impracticable.

1           2.     There are questions of law and fact common to each State Class that  
2 predominate over any questions solely affecting individual members of the each  
3 State Class.

4           3.     There are questions of law and fact common between all of the Classes  
5 that can efficiently be resolved in a single trial.

6           4.     Each Proposed Class Representative's claims are typical of the claims  
7 of the members of the Class they seek to represent.

8           5.     Plaintiffs will fairly and adequately protect the interest of the members  
9 of the State Class they propose to serve as a class representative and have retained  
10 counsel competent and experienced in class actions and consumer litigation. No  
11 Plaintiff has interests antagonistic to or in conflict with the members of the State  
12 Class they propose to represent.

13          6.     Common questions of law and fact predominate over individual issues  
14 in this case.

15          7.     A class action is superior to other available methods for the fair and  
16 efficient adjudication of this controversy.

17          8.     This case is manageable as a class action.

18                 Plaintiffs' motion will be based on this Notice of Motion and Motion,  
19 Memorandum of Points and Authorities in support thereof, the Declarations of Stuart  
20 M. Eppsteiner, Andrew J. Kubik, Chin S. Yang, Ph.D., Brian D. Clark, P.E., the  
21 expert report of Brian D. Clark, P.E., Representative Plaintiffs' Declarations, the  
22 pleadings and papers on file with the Court, evidence proffered and judicial notice of  
23 matters, and upon any other such matters as may be presented to the Court in  
24 Plaintiffs' Reply, other supporting briefs that may be presented at the time of the  
25 hearing of the noticed motion for class certification.

26                 **This motion is made following the conference of counsel pursuant to L.R.**  
27 **7-3 which took place in person on April 23, 2012 and through emails and letters**  
28 **on April 24, 25 and 27, 2012.**

1 DATED: May 16, 2012

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*Counsel for Plaintiffs and the Proposed  
Classes*